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6 UNITED STATES DISTRICT COURT  
7 DISTRICT OF NEVADA

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9 KEITH PAUL BIRD,

10 Plaintiff,

11 v.

12 BRIAN E. WILLIAMS, SR, *et al.*,

13 Defendants.

Case No. 2:18-cv-02329-APG-CWH

ORDER

14  
15 **I. DISCUSSION**

16 Plaintiff, who is a prisoner in the custody of the Nevada Department of Corrections  
17 ("NDOC"), has submitted a civil rights complaint pursuant to 42 U.S.C. § 1983 and has  
18 filed an application to proceed *in forma pauperis*. (ECF No. 1, 1-1).

19 Plaintiff's application to proceed *in forma pauperis* is incomplete. Pursuant to 28  
20 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, Plaintiff must complete an application to  
21 proceed *in forma pauperis* and attach both an inmate account statement for the past six  
22 months and a properly executed financial certificate. Plaintiff has not submitted a properly  
23 executed financial certificate or an inmate account statement. (See ECF No. 1).  
24 Therefore, the *in forma pauperis* application is denied without prejudice. The Court will  
25 retain Plaintiff's civil rights complaint (ECF No. 1-1), but will not file it until the matter of  
26 the payment of the filing fee is resolved. Plaintiff will be granted an opportunity to cure  
27 the deficiencies of his application to proceed *in forma pauperis*, or in the alternative, pay  
28 the full filing fee for this action. If Plaintiff chooses to file a new application to proceed *in*

1 *forma pauperis* he must file a fully complete application to proceed *in forma pauperis* and  
2 must include both an inmate account statement for the past six months and a properly  
3 executed financial certificate.

4 **II. CONCLUSION**

5 For the foregoing reasons, IT IS ORDERED that Plaintiff's application to proceed  
6 *in forma pauperis* (ECF No. 1) is DENIED without prejudice to file a new application.

7 IT IS FURTHER ORDERED that the Clerk of the Court SHALL SEND Plaintiff the  
8 approved form application to proceed *in forma pauperis* by a prisoner, as well as the  
9 document entitled information and instructions for filing an *in forma pauperis* application.

10 IT IS FURTHER ORDERED that within **thirty (30) days** from the date of this order,  
11 Plaintiff shall either: (1) file a fully complete application to proceed *in forma pauperis* on  
12 the correct form, with complete financial attachments, in compliance with 28 U.S.C. §  
13 1915(a); or (2) pay the full \$400 fee for filing a civil action (which includes the \$350 filing  
14 fee and the \$50 administrative fee).

15 IT IS FURTHER ORDERED that failure to comply with this order will result in a  
16 recommendation that the case be dismissed.

17 IT IS FURTHER ORDERED that the Clerk of the Court shall retain the complaint  
18 (ECF No. 1-1), but shall not file it at this time.

19  
20 DATED December 11, 2018

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22 UNITED STATES MAGISTRATE JUDGE  
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